

JFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/609,226

Filing Date

01/30/2003

First Named Inventor

Robert B. Lawson

Art Unit

3637

Examiner Name

Phi D A

Attorney Docket Number

ENCLOSURES (Check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Lawson Aquatics, Inc		
Signature			
Printed name	Robert B. Lawson		
Date	3/23/05	Reg. No.	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Robert B. Lawson	Date	3/23/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Response to a non-final Office Action

Application Ser. No. 10/609,226

This communication is a response to a non-final Office Action having a mailing date of 01/11/2005 and setting forth a shortened statutory period for response of three months which would expire on 04/11/2005.

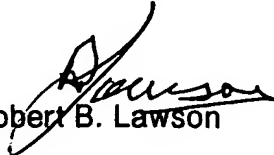
The examiner has rejected claims 9 and 11 - 13 under 35 U.S.C. 112. However, the examiner did not indicate the nature of the indefiniteness of claim 9. A telephone conversation with the examiner Phi Dieu Tran A on 03/22/2005 resulted in a clarification of the rejection of claim 9. Consequently all claims 9 and 11 - 12 will be presented in a corrected version on a separate pages

The applicant takes issue with the rejection of claim 13 wherein the examiner states that the applicant did not observe the correct sequence of actions. It is believed that claim 9 does set forth the correct sequence of steps that are performed to assemble the pool grating. By providing the step of drilling a pilot hole prior to the step of actual drilling, applicant is merely limiting the scope of claim 9 and it is believed that this does not render claim 9 indefinite. The step of drilling a pilot hole does not necessarily have to be performed in the method of claim 9. This drilling of the pilot hole merely provides accuracy in the performance of the method of claim 9

The indication that claim 9 and, of course, the claims depending therefrom would be allowable is greatly appreciated.

Date:

3/23/05


Robert B. Lawson